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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,695	01/05/2004	Mitsuo WATANABE	031336	1694

23850 7590 05/24/2004

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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/707,695

Applicant(s)

WATANABE ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 010604.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. Figure 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

3. Claim 6 is objected to because of the following informalities:

Re claim 6, line 4: Substitute "it" with -- said judging --.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai et al (US 5,451,761).

Re claims 1 and 5, Kawai et al discloses a bar-code reader 2 comprising a judging unit that judges number of modules corresponding to a character from character data read from a bar-code 1, and a demodulating unit that, if the number of modules judged is different from a predetermined number, demodulates the character by using a demodulation-pattern table corresponding to the number of modules judged (col. 6, line 53 through col. 11, line 30).

6. Claims 1, 4-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (US 5,393,968).

Re claims 1, 4-5 and 8: Watanabe et al discloses a bar-code reader 2A comprising: a judging unit 14 that judges number of modules corresponding to a character from character data read from a bar-code 1, and a demodulating unit 12 that, if the number of modules judged is different from a predetermined number, extracts and demodulates the character by using a demodulation pattern table corresponding to the number of modules judged (fig. 1; col. 9, lines 10+ and col. 10, lines 20+).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002



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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyanagi et al (US 6,547,143).

Re claims 1, 3, 5 and 7: Koyanagi et al discloses a bar-code reader 20 comprising a judging unit (e.g., controller 25) that judges number of modules corresponding to a character from character data read from a bar-code 10, and a demodulating unit (e.g., controller 25) that, if the number of modules judged is different from a predetermined number, demodulates the character by using a demodulation-pattern table [100, 200] corresponding to the number of modules judged (col. 11, lines 14+; col. 12, lines 27+); the demodulating unit displays predetermined candidates characters on a displaying unit for selection of a character by a user (col. 14, lines 30+).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. The teachings of Kawai et al have been discussed above.

Re claims 2 and 6, Kawai et al further discloses the system discontinues demodulating if the number of modules judged different from the predetermined number (e.g., greater than 10%) (col. 12, line 63 through col. 13, line 12), but fails to teach or fairly suggest a consecutive judging unit whether the number of modules judged different from the predetermined number consecutively that judges is judged to be for a plurality of times, wherein the demodulating unit, if the consecutive judging unit judges that the number of modules judged is judged to be different from the predetermined number consecutively for a plurality of times, does not demodulate the character.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a consecutive judging unit into the system as taught by Kawai et al in order to provide Kawai et al with a more accurate system wherein the determining/checking process being performed consecutively a plurality of times before discontinue the demodulating process, and thus eliminating errors.

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**Conclusion**


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The patents to Kawai et al (US 5,525,785); Kawai et al (US 5,502,296); Watanabe et al (US 6,206,286); Kawai et al (US 5,525,784); Watanabe et al (US 5,689,103); Kawai et al (JP 06/036,065); Goto, (JP 05/128,292); Yano et al (JP 61/251,979) are as of interest and illustrate to a similar structure of a barcode reader and method of reading barcode.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Uyen-Chau N. Le  
May 17, 2004

  
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